

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE
ADDENDUM NO. 1 TO ORDER NO. 97-40

AN ADDENDUM TRANSFERRING RESPONSIBILITY FOR
ORDER NO. 97-40 FROM
DARLING INTERNATIONAL INC.
TO
OTAY MESA VENTURES II, L.L.C
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On June 11, 1997, this Regional Board adopted Order No. 97-40, **Waste Discharge Requirements for Closure and Post-Closure Maintenance, Class I Waste Management Containment Cell, Former Omar Rendering Facility, Darling International**. Order No. 97-40 updated the findings and revised the monitoring and reporting requirements for the former Omar Rendering Facility.
2. The Omar Rendering Facility was owned and operated by Darling International, Incorporated (formerly Darling Delaware Inc.). Darling International Inc. operated an animal rendering facility and Class I disposal operation on a 40-acre site located at 4826 Otay Valley Road, Chula Vista from 1947 to 1982.
3. Otay Mesa Ventures I, LLC/Landbank, a subsidiary of the IT Group/Corporation, assumed title to the 40 acre former Omar Rendering Facility parcel in December 1999. On January 16, 2002, the IT Group, Inc. announced that it had signed a letter of intent with The Shaw Group Inc. as the result of the IT Groups' bankruptcy. Subsidiaries and affiliates of The Shaw Group acquired certain IT Group assets formerly held by the IT subsidiary known as "Landbank, Incorporated," including those held by the Otay Mesa Ventures I, LLC.
4. On May 3, 2002, Otay Mesa Ventures I, LLC transferred ownership of the site to Otay Mesa Ventures II, L.L.C., a Shaw subsidiary. Otay Mesa Ventures II, L.L.C., has assumed responsibility for the cleanup and abatement of conditions of pollution or nuisance caused by past discharges of wastes at the former Omar Rendering facility. Accordingly, Otay Mesa Ventures II, L.L.C. is named as the discharger responsible for compliance with this Order.

5. On March 12, 2003, a Property Mitigation Plan was submitted that described the change in land use of the Class I waste management containment cell from open space to a paved automobile parking area for excess vehicle storage.
6. On March 27, 2003, this Regional Board issued Cleanup and Abatement Order No. R9-2003-0080, **Otay Mesa Ventures II, L.L.C. for the Former Rendering Facility, San Diego County**. Cleanup and Abatement Order No. R9-2003-0080 requires Otay Mesa Ventures II, L.L.C. to investigate, cleanup and abate effects from pollution of water resources caused by past discharger of waste at the former Omar Rendering facility.
7. On April 9, 2003, the Regional Board adopted Resolution No. R9-2003-0139 that authorized the Executive Officer to execute a Site Remediation Agreement (Polanco Act) with the City of Chula Vista Redevelopment Agency for Cleanup and Abatement of ground water pollution at the former Omar Rendering facility.
8. On May 9, 2003, Otay Mesa Ventures II, executed a Corporate Guaranty of Financial Responsibility for post closure maintenance, monitoring and corrective action for all known or reasonably foreseeable releases from the Class I waste management cell in accordance with California Code of Regulations, Title 23, Division 3, Chapter 15. It is the Regional Board's understanding that this Corporate Guaranty will be replaced with another financial assurance instrument on or about August 31, 2003.
9. Applicable regulations governing the closed Class I Waste Management Unit at the former Omar Rendering Facility are the California Code of Regulations, Title 23, Division 3, Chapter 15, Discharges of Waste to Land (23 CCR).
10. The Omar Rendering Facility is an existing facility and as such is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Code of Regulations, Chapter 3, Article 19, Section 15301.
11. The Regional Board has notified all known interested parties of its intent to modify Order No. 97-40 to reflect the transfer of responsibility for compliance with Order No. 97-40.
12. The Regional Board in a public meeting heard and considered all comments pertaining to the modification of Order No. 97-40.

IT IS HEREBY ORDERED That Order No. 97-40 is modified as follows:

1. Order No. 97-40 shall henceforth be referred to as **Waste Discharge Requirements for the Class I Waste Management Containment Cell, former Omar Rendering Facility, Otay Mesa Ventures II L.L.C., San Diego County**.
2. The waste discharge requirements contained in Order No. 97-40 shall be applicable to Otay Mesa Ventures II, L.L.C.

3. The word discharger as it appears in Order 97-40 shall hereafter be construed to refer to Otay Mesa Ventures II, L.L.C.
4. In accordance California Code of Regulations, Title 23, Division 3, Chapter 15 (23 CCR) Otay Mesa Ventures II, L.L.C. shall establish an irrevocable closure fund to ensure post-closure maintenance for the Class I waste management containment cell.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on June 11, 2003.

TENTATIVE

JOHN H. ROBERTUS

Executive Officer